

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	
)	
NATIVIDAD ZAVALA-ZAVALA)	EP-17-MJ-4462-MAT
BLANCA NIEVE VASQUEZ-HERNANDEZ)	EP-17-MJ-4499-MAT
ELBA LUZ DOMINGUEZ-PORTILLO)	EP-17-MJ-4409-MAT
JOSE FRANCIS YANES-MANCIA)	EP-17-MJ-4461-MAT
MAYNOR ALONSO CLAUDINO-LOPEZ)	EP-17-MJ-4456-MAT

***SUPPLEMENTAL MEMORANDUM REGARDING DEFENDANTS’
AMENDED RESPONSE & OBJECTION
TO GOVERNMENT’S MOTION TO AMEND/CORRECT
THE COURT’S OPINION***

Parents-Defendants Elba Luz Dominguez-Portillo, Natividad Zavala-Zavala, Jose Francis Yanes-Mancia, Blanca Nieve Vasquez-Hernandez, and Maynor Alonso Claudino-Lopez, by and through the undersigned attorney, file this Supplement to their previously filed “Amended Response & Objection to Government’s Motion to Amend/Correct the Court’s Opinion.”

To recapitulate: on November 7, 2017, Parents-Defendants filed a motion to dismiss. On November 27, 2017, at a hearing on the motion to dismiss, Magistrate Judge Miguel A. Torres denied the Parents-Defendants’ motion. On December 1, 2017, Magistrate Torres found the Parents-Defendants guilty of illegal entry misdemeanors under 8 U.S.C. § 1325 and sentenced them to probation. On December 14, 2017, the Parents-Defendants filed their *notice of appeal*. On January 5, 2018, Magistrate Torres issued a written opinion of his denial of the Parents-

Defendants' motion to dismiss.

On January 17, 2018, the government filed a "motion to amend/correct the court's opinion" by Magistrate Torres that denied the Parents-Defendants' motion to dismiss. On February 6, 2018, the Parents-Defendants filed their amended response.

However, in the interest of justice and to apprise the court of a new development, Parents-Defendants file this Supplement to include *a decision* made **last week** by an immigration judge in one case, and *recent* copies of the case-closure summaries in the rest of the cases. Specifically, on February 21, 2018, an immigration judge granted an immigration bond in the case of Parent-Defendant Vasquez-Hernandez. Accordingly, attached is a copy of the immigration judge's signed order. See attached Parents-Defendants' **Exhibit "X."**

Respectfully submitted,
MAUREEN SCOTT FRANCO
Federal Public Defender
/s/
SERGIO GARCIA
Assistant Federal Public Defender
Western District of Texas
700 E. San Antonio, D-401
El Paso, Texas 79901
(915) 534-6525

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of March 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system.

/s/

Sergio Garcia
Attorney for Defendant

Ex. "X"
1-9-5

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
EL PASO, TX

~~FILED~~

IN THE MATTER OF:

VAZQUEZ-HERNANDEZ, BLANCA NIEVE

RESPONDENT

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE
WITH RESPECT TO CUSTODY

Request having been made for a change in the custody status of respondent pursuant to 8 CFR 236.1(c), and full consideration having been given to the representations of the Department of Homeland Security and the respondent, it is hereby

_____ ORDERED that the request for a change in custody status be denied.

X ORDERED that the request be granted and that respondent be:

_____ released from custody on his own recognizance

X released from custody under bond of \$ 7500

X OTHER GPS Monitoring @ DHS Discretion

Copy of this decision has been served on the respondent and the Department of Homeland Security.

APPEAL: waived -- reserved

EL PASO -- EL PASO SERVICE PROCESSING CENTER

Date: Feb 21, 2018

CO. Lee Abbott
WILLIAM L. ABBOTT
Immigration Judge

XS

EX "X"
2-45109
FR 10-23-17**Case Closure**

This case is currently Closed and can be deleted once the case is reopened(historical cases can be re-opened by Super Users only).

Date Case Closed: 01/09/2018

Alien was removed with the following biographical information:

Depart-Cleared Status: 8-Excluded/Removed -

A-Number: [REDACTED]

Inadmissibility

Name: CLAUDINO LOPEZ, MAYNOR

Date Departed: 01/08/2018

ALONSO

Port Departed: VALLEY INTERNATIONAL

DOB: 08/08/1978

AIRPORT

COB: HONDURAS

Departure Country: HONDURAS

COC: HONDURAS

Expense Code: 1-ICE/Agency

Comments:

Charges -- Charges marked with a Disposition of Sustained the section of law under which the alien was removed. The Charge with an X in the Final Charge column has been marked as the Final Charge, or most severe charge, under which the alien was removed.

Charged	Section	DACS	Description	Disposition	Final Charge
10/23/2017	8 USC 1325		ENTRY OF ALIEN AT IMPROPER TIME OR PLACE MISREP/CONCEALMENT OF FACTS	Sustain	
10/23/2017	8 USC 1182		ALIEN INADMISSIBILITY UNDER SECTION 212	Sustain	
10/23/2017	212a7All	17A1	IMMIGRANT WITHOUT AN IMMIGRANT VISA	Sustain	X

EX. X
3 of 5**Case Closure**

This case is currently Closed and can be deleted once the case is reopened(historical cases can be re-opened by Super Users only).

Date Case Closed: 02/22/2018

Alien was removed with the following biographical information:

Depart-Cleared Status: 8-Excluded/Removed -

A-Number: [REDACTED]

Inadmissibility

Name: ZAVALA-ZAVALA, NATIVIDAD

Date Departed: 02/07/2018

DOB: 12/24/1955

Port Departed: EL PASO, TX

COB: HONDURAS

Departure Country: HONDURAS

COC: HONDURAS

Expense Code: 1-ICE/Agency

Comments:

Charges -- Charges marked with a Disposition of Sustained the section of law under which the alien was removed. The Charge with an X in the Final Charge column has been marked as the Final Charge, or most severe charge, under which the alien was removed.

Charged	Section	DACS	Description	Disposition	Final Charge
10/22/2017	8 USC 1182		ALIEN INADMISSIBILITY UNDER SECTION 212		
10/22/2017	212a7AII	I7A1	IMMIGRANT WITHOUT AN IMMIGRANT VISA	Sustain	X

EX: X
4-01-5266
ER (12-21-17)**Case Closure**

This case is currently Closed and can be deleted once the case is reopened(historical cases can be re-opened by Super Users only).

Date Case Closed: 02/21/2018

Alien was removed with the following biographical information:

Depart-Cleared Status: 8-Excluded/Removed -

A-Number: [REDACTED]

Inadmissibility

Name: YANES-MANCIA, JOSE FRANCIS

Date Departed: 02/07/2018

DOB: 12/03/1973

Port Departed: EL PASO, TX

COB: HONDURAS

Departure Country: HONDURAS

COC: HONDURAS

Expense Code: 1-ICE/Agency

Comments:

Charges -- Charges marked with a Disposition of Sustained the section of law under which the alien was removed. The Charge with an X in the Final Charge column has been marked as the Final Charge, or most severe charge, under which the alien was removed.

Charged	Section	DACS	Description	Disposition	Final Charge
10/22/2017	8 USC 1182		ALIEN INADMISSIBILITY UNDER SECTION 212		
10/22/2017	212a7Ail	I7A1	IMMIGRANT WITHOUT AN IMMIGRANT VISA	Sustain	X

EX-5

257
IT (1-10-18)**Case Closure**

This case is currently Closed and can be deleted once the case is reopened(historical cases can be re-opened by Super Users only).

Date Case Closed: 02/12/2018

Alien was removed with the following biographical information:

Depart-Cleared Status: 8-Excluded/Removed -

A-Number: [REDACTED]

Inadmissibility

Name: DOMINGUEZ PORTILLO, ELBA

Date Departed: 02/07/2018

LUZ

Port Departed: PHOENIX, AZ

DOB: 11/19/1968

Departure Country: EL SALVADOR

COB: EL SALVADOR

Expense Code: 1-ICE/Agency

COC: EL SALVADOR

Charges -- Charges marked with a Disposition of Sustained the section of law under which the alien was removed. The Charge with an X in the Final Charge column has been marked as the Final Charge, or most severe charge, under which the alien was removed.

Comments:

Charged	Section	DACS	Description	Disposition	Final Charge
10/21/2017	8 USC 1182		ALIEN INADMISSIBILITY UNDER SECTION 212	Sustain	
10/21/2017	212a6Ai	18A	ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)	Sustain	X